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Attorney for the Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT FAIRBANKS**

TRICIALYNN BUROKAS, and others
similarly situated.

Plaintiffs,
vs.

ADAM WOOL, AND BLUELOON INC.

Case No.

Defendant.

**COMPLAINT FOR OVERTIME, WAGES DUE,
PENALTIES AND DAMAGES**

Plaintiff, Tricialynn Burokas, by and through her undersigned counsel, states her Complaint for overtime, wages due, penalties and damages and alleges as follows:

Jury Demand

Plaintiff demands that the case be submitted to jury trial for all issues triable by jury in this action pursuant to FRCP 38 (b) .

COMPLAINT

PARTIES

TRICIALYNN BUROKAS

1) Plaintiff Tricialynn Burokas is, and was at all times relevant, a resident of the State of Alaska.

ADAM WOOL AND BLUELOON INC.

2) Defendant, Adam Wool is and was at all times relevant a resident of the State of Alaska.

3) Defendant, Adam Wool is and was the owner of the Blueloon a bar, restaurant, musical venue and movie theater located in or near Fairbanks Alaska.

4) Adam Wool is and was the owner of the Blueloon Inc, a Limited Liability Corporation doing business in Alaska at Fairbanks, which owned and operated the Blueloon.

FACTS

5) Tricialynn Burokas (hereinafter Trish) was employed by Defendant Wool, as a bar manager beginning in July 2015.

6) In 2017 Trish was being paid \$1280.00 every two weeks.

7) On or about May 16, 2019 the Blueloon burned down.

- 8) On May 3, 2019, Trish received her final paycheck for her work.
- 9) Trish was not paid for overtime hours, and not paid overtime premium of time and one half for hours worked in excess of 40 per week during the entire time of her employment with the Blueloon.
- 10) Trish was not paid for all hours worked during the entire time of her employment with the Blueloon.
- 11) The Blueloon performs its activities for a business purpose.
- 12) The Blueloon performs its activities in the stream of commerce.

JURISDICTION

Plaintiff re-alleges and incorporates herein by reference all of the allegations above and further allege as follows:

- 13) The United States District Court has jurisdiction over this matter as a federal question pursuant to 28 U.S.C §216 (b) .
- 14) The United States District Court has pendant jurisdiction over the Alaska State Law Claims pursuant to 28 U.S.C §1367 (a) .

COUNT I
FEDERAL RECORD KEEPING
(29 U.S.C §211(c))

Plaintiff re-allege and incorporate herein by reference all of the allegations above and further allege as follows:

- 15) 29 U.S.C §211(c) requires that every employer subject to any provision of this chapter, or of any order issued under this chapter, shall make, keep, and preserve such records of the persons employed by him [her or it] and of the wages, hours, and other conditions and practices of employment maintained by him [her or it].
- 16) Defendant failed to keep such records.

COUNT II STATE RECORD KEEPING
(AS 23.10.100 and AS 23.05.080)

Plaintiff re-allege and incorporate herein by reference all of the allegations above and further allege as follows:

- 17) AS 23.10.100 and AS 23.05.080 requires an employer to keep an accurate record of the hours worked each day and each work week by each employee including other payroll information such as the rate of pay.
- 18) Defendants failed to keep such records

COUNT III- UNPAID OVERTIME
(29 U.S.C §206, §207)

Plaintiffs re-allege and incorporate herein by reference all of the allegations above and further allege as follows:

- 19) Defendants failed to pay Plaintiff, for overtime pay in violation of the FLSA, 29 U.S.C §206, §207(a) (1).
- 20) Defendants failed to pay wages and overtime to Plaintiff for all hours that she worked in violation of the FLSA, 29 U.S.C §206.

COUNT IV- ALASKA CLAIM FOR WAGES AND OVERTIME
(AS 23.10.060 and AS 23.10.110(a))

Plaintiffs re-allege and incorporate herein by reference all of the allegations above and further allege as follows:

- 21) Defendants failed to pay Plaintiff for all hours that she worked in violation of Alaska Wage and Hour Act (AWHA) AS 23.05.010 *et.seq.*, and specifically in violation of AS 23.10.060.

COUNT V- ALASKA NINETY DAY PENALTY FOR FAILURE TO PAY WAGES
DUE WITHIN THREE DAYS.
(AS 23.05.140(d))

Plaintiff re-alleges and incorporate herein by reference all of the allegations above and further allege as follows:

22) Because Defendants failed to pay Trish all hours worked under both state and/or federal statutes, and overtime pursuant to the FLSA, Plaintiff is entitled to claim a penalty equal to one day's pay for each day of delay, or for 90 days pay, whichever is lesser.

DEMANDUM

- 23) Plaintiff demands all wage and overtime due her now.
- 24) Defendants owe Plaintiff regular wages, overtime wages and liquidated damages as a result of its violations of the FLSA pursuant to 29 U.S.C. §216(b), and the AWHA pursuant to AS 23.10.110(a). Such damages are estimated to be greater than \$50,000.00.
- 25) Defendants Blueloon Inc., and Adam Wool individually, owe Plaintiff unpaid wages due under the AWHA pursuant to AS 23.05.140 and AS 23.10.060 in an amount to be proven at trial after the information can be obtained in discovery.
- 26) Defendants owe Plaintiff a penalty of ninety days pay due pursuant to AS 23.05.140 in an amount to be proven at

trial after the information can be obtained in discovery,
approximately \$24,912.00.

27) Defendants owe Plaintiff interest on the amounts due.

28) Defendants owe Plaintiff the costs of bringing this
action.

29) Defendants owe Plaintiffs the attorney fees provided by
29 U.S.C. §216 and/or AS 23.10.110 and/or Alaska Civil Rule
82.

30) Plaintiff prays this court for such other and further
relief as is appropriate in the circumstance.

RESPECTFULLY SUBMITTED this 17th day of January 2020, at
Fairbanks, Alaska.

LAW OFFICE OF KENNETH L. COVELL

Attorney for the Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2020 a copy of the foregoing
Complaint for Overtime, Wages Due, Penalties and Damages
was served via Certified Restricted US Mail:

Adam Wool
P.O. Box 84130
Fairbanks, AK 99708

By: s/ Liz Reyna
Law Office of Kenneth L. Covell